

1 QUIN DENVER, Bar #49374
2 Federal Defender
3 ALLISON CLAIRE, Bar #170138
Assistant Federal Defender
3 801 I Street, 3rd Floor
Sacramento, California 95814
4 Telephone: (916) 498-5700

5 Attorneys For Petitioner
6 RAY LEE VAUGHN

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10
11

12 RAY LEE VAUGHN,) NO. CIV 01-5241 OWW DLB HC
13)
Petitioner,)
14) STIPULATION AND ORDER EXTENDING
v.) TIME TO FILE PETITIONER'S
15) SUPPLEMENTAL BRIEF RE: PROCEDURAL
D. ADAMS,) DEFAULT
16)
Respondent.)
17)
18)

19 Petitioner, RAY LEE VAUGHN, and respondent, D. ADAMS, by and
20 through their respective counsel, hereby agree and stipulate as
21 follows:

22 1. Petitioner's supplemental brief regarding procedural
23 default is due on June 12, 2005, pursuant to prior stipulation and
24 order. For the reasons set forth below, the parties agree that a
25 further continuance is necessary and appropriate.

26 2. On June 1, 2005, Assistant Federal Defender Carolyn
27 Wiggin returned to the office following a six-month leave. Ms. Wiggin
28 previously represented Mr. Vaughn in this matter. Effective mid-June,

the case is being re-assigned within the Office of the Federal Defender to Ms. Wiggin.

3. Undersigned counsel for petitioner has been pursuing document-gathering in support of a showing that the Dixon rule is inconsistently applied, as set forth in the stipulation and proposed order filed May 5, 2005. Delays in the copying and transmission of records from other courts have further delayed the identification of relevant documents. Problems with the accuracy and completeness of electronically-available state court docketing information, and state court case records systems, have also resulted in unanticipated delays. Accordingly, although progress has been ongoing, it has been slow.

4. Due to these circumstances, and the imminent re-assignment of the case within the Federal Defender's Office, the parties stipulate and agree that a further continuance of 60 days is appropriate.

5. The parties therefore respectfully request that the deadline for petitioner's supplemental brief be extended to August 11, 2005.

6. Counsel for respondent, Deputy Attorney General Justain P. Riley, has authorized the undersigned to sign this stipulation electronically on his behalf.

Dated: June 3, 2005

Respectfully submitted,

QUIN DENVIR
Federal Defender

/s/ Allison Claire
ALLISON CLAIRE
Assistant Federal Defender
Attorney for Petitioner
RAY LEE VAUGHN

/s/ Justain P. Riley

JUSTAIN P. RILEY

Deputy Attorney General
Attorney for Respondents
D. ADAMS

ORDER

Pursuant to the stipulation of the parties, and for good cause shown, petitioner's request for a further extension of time is hereby GRANTED. Petitioner's supplemental brief regarding procedural default shall be filed no later than August 11, 2005.

IT IS SO ORDERED.

Dated: June 6, 2005

ah0l4d

/s/ Dennis L. Beck

UNITED STATES MAGISTRATE JUDGE